

MAY 10 2010

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC**

STANLEY MARVIN CAMPBELL, Trustee in  
Bankruptcy for ESA ENVIRONMENTAL  
SPECIALISTS, INC.,

Plaintiff,

v.

NATHAN M. BENDER,

Defendant,

v.

PROSPECT CAPITAL CORPORATION and  
STANLEY MARVIN CAMPBELL,

Counterclaim Defendant.

Case No. 3:09-CV-465

ORDER ON MOTION FOR  
BRIEFING SCHEDULE ON  
MOTION TO DISMISS  
COUNTERCLAIM

**ORDER ON MOTION FOR BRIEFING SCHEDULE  
ON MOTION TO DISMISS COUNTERCLAIM**

It appearing that Prospect Capital Corporation as counterclaim-defendant filed a motion to dismiss the defendant Nathan M. Bender's counterclaim as to it on October 19, 2009 and that Mr. Bender responded to the motion on November 20, 2009, but that the motion was not briefed by either party before the Court withdrew the reference on this case January 20, 2010, and it appearing that the movant and respondent have consented hereto, it is hereby Ordered:

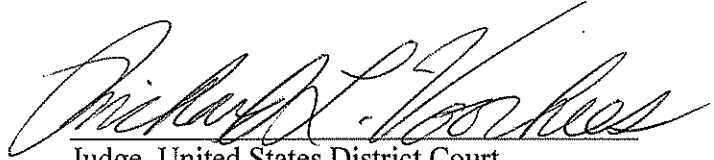
1. That Prospect Capital Corporation shall file a brief in support of its Counterclaim Defendant Prospect Capital Corporation's Motion to Dismiss on or before June 14, 2010, and
2. That Nathan M. Bender shall file his brief in opposition to the Motion on or before July 14, 2010; and

3. Prospect Capital Corporation shall file any reply brief in accordance with L.Cv.R.

7.1

SO ORDERED.

This 10<sup>th</sup> day of May, 2010.

  
Judge, United States District Court